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June 11, 2004

**VIA HAND DELIVERY**

Honorable Kim Beals, Esq., Hearing Officer  
c/o Sharla Dillon, Docket & Records Manager  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, Tennessee, 37243-0505

**RE: Petition of Celco Partnership d/b/a Verizon Wireless For Arbitration  
Under the Telecommunications Act of 1996  
TRA Consolidated Docket # 03-00585**

Dear Hearing Officer Beals:

Enclosed are an original and one (1) copy of the CMRS/Rural Coalition Joint Statement Re: Interrogatories Subject to the CMRS Providers' May 13, 2004, Motion to Compel (the "Joint Statement"). For ease of reference, a brief summary of the Joint Statement is as follows:

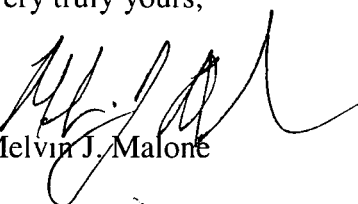
This Joint Statement sets forth the agreements that the Rural Coalition and the CMRS Providers reached during their "meet and confer" conference call, provides supplemental responses from the Rural Coalition to certain interrogatories and states the CMRS Providers' position on the supplemental responses. Although Rural Coalition and CMRS Providers have resolved most of the discovery disputes, CMRS Providers believe that rulings are still required on their Motion to Compel responses to the following Interrogatories: 1, 3, 4, 9-12, 24, 25, 28, 29 and 37. In addition, CMRS Providers are awaiting further responses on the following interrogatories. 2, 7, 30, 31 and 38. Given the current procedural schedule, CMRS Providers request that the Hearing Officer order the Rural Coalition to provide the supplemental responses no later than June 14, 2004. CMRS Providers will withdraw their Motion to Compel on responses to the following interrogatories 5, 6, 8, 18, 19, 26, 27 and 36.

In light of the impending procedural schedule, the CMRS Providers' hereby request an expedited ruling on all outstanding discovery issues set forth in the CMRS Providers' Motion to Compel

Letter to Beals  
June 11, 2004  
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If you have any questions or need additional information, please let me know.

Very truly yours,



Melvin J. Malone

MJM/lw

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**CMRS/RURAL COALITION JOINT STATEMENT  
RE INTERROGATORIES SUBJECT TO THE  
CMRS PROVIDERS' MAY 13, 2004 MOTION TO COMPEL**

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This Joint Statement sets forth the agreements that the Rural Coalition and the CMRS Providers reached during their "meet and confer" conference call, provides supplemental responses from the Rural Coalition to certain interrogatories and states the CMRS Providers' position on the supplemental responses. Although Rural Coalition and CMRS Providers have resolved most of the discovery disputes, CMRS Providers believe that rulings are still required on their Motion to Compel responses to the following Interrogatories: 1, 3, 4, 9-12, 24, 25, 28, 29 and 37. In addition, CMRS Providers are awaiting further responses on the following interrogatories: 2, 7, 30, 31 and 38. Given the current procedural schedule, CMRS Providers request that the Hearing Officer order the Rural Coalition to provide the supplemental responses no later than June 14, 2004. CMRS Providers will withdraw their Motion to Compel on responses to the following interrogatories: 5, 6, 8, 18, 19, 26, 27 and 36.

Neither the Rural Coalition nor CMRS Providers, by participating in discovery, are waiving any arguments they may make in the arbitration proceeding. Both Rural Coalition and CMRS Providers are fully preserving all their rights. Further, the CMRS Providers' acceptance of any supplemental response submitted by Rural Coalition pursuant to this Joint Statement shall not be construed as any admission by the CMRS Providers to any fact asserted or relied upon by the Rural Coalition in making a response.

**"Telecommunications Traffic"**

*Rural Coalition/CMRS Agreement:* Rural Coalition and the CMRS Providers had differing interpretations of the meaning of the term "Telecommunications Traffic" in the CMRS requests. After discussion, the parties came to the following understanding:

CMRS Providers confirmed that in using the term "telecommunications traffic" in their interrogatories, the CMRS Providers were referencing *all calls* involving a wireless provider that, at the beginning of the call, originate and terminate in the same MTA, and all calls involving only wireline carriers exchanged within the carriers' respective local service areas. For clarity when the term TELECOMMUNICATIONS TRAFFIC (in all caps) is used in this Joint Statement, the term will have the meaning specified in this paragraph.

The Rural Coalition maintains that the interconnection of traffic that may be considered "telecommunications traffic" for purposes of the FCC's Subpart H Rules does not become subject to a reciprocal compensation agreement absent a request. The Rural Coalition further maintains that such traffic remains subject to the terms and conditions that govern the established physical interconnection of the traffic unless and until such terms and conditions are superceded in accordance with the applicable law, regulation, and rules. As noted above, by participating in discovery, the Rural Coalition is not waiving these arguments, nor are the CMRS Providers waiving objections to these arguments.

With this understanding, the Rural Coalition will supplement its responses to Interrogatories 1, 2, 3, 4, 5, 9, 10, 11, 12, 24, 25, 26, and 36 below to address what the Rural

Coalition now understands to be CMRS Providers' request in light of the definition of TELECOMMUNICATIONS TRAFFIC set forth above

### **Interrogatory 1**

*Rural Coalition Supplemental Response:* The Rural Coalition supplements its initial response on the basis of an understanding that the CMRS Providers seek information regarding the identification of carriers to or from which each Rural Coalition member may have transmitted or received TELECOMMUNICATIONS TRAFFIC.

In the initial Response to the Interrogatories of the CMRS Providers, the Rural Coalition identified those instances where a member of the Rural Coalition has executed an agreement to exchange TELECOMMUNICATIONS TRAFFIC with a telecommunications carrier other than CMRS carriers. In addition, no Coalition member is aware of the exchange of any traffic that is not "interstate or intrastate exchange access, information access, or exchange services for such access" except as described below.

With respect to wireline to wireline calls, the geographic local area calling scope of each member of the Rural Coalition is set forth in its local service tariff. In some instances, as noted below, a member of the Rural Coalition may offer a calling scope that includes service areas served by other incumbent local exchange carriers. This circumstance, generally referred to as extended area service or "EAS" are generally established pursuant to an arrangement whereby the two carriers providing service on the EAS call arrange to deploy a trunking facility to an agreed upon point of interconnection. In the event that another carrier provides service in the same geographic area as a carrier with which a Rural Coalition member has EAS, it is possible that the Rural Coalition may exchange traffic with this carrier, but not be aware of the carrier's existence or identity because the traffic is exchanged over the existing facilities without the knowledge of the Rural Coalition Member that the traffic is to or from this carrier.

These EAS arrangements, and any other local calling scope arrangement required by publicly filed tariffs, pertain to telecommunications originated and terminated between two specific geographic areas (subject to 47 CFR Sec. 51.701(b)(1)). Accordingly, these arrangements are not relevant to the subject matter of the arbitration which addresses telecommunications traffic between a geographic area served by the Rural Coalition member and a mobile user served by a CMRS Provider (subject to 47 CFR Sec. 51.701(b)(2)). Nonetheless, and with reservation of all rights, the Rural Coalition indicates below those companies which provide EAS, and the companies with which they are aware that they exchange traffic:

Ardmore Telephone Company, Inc.  
None

Ben Lomand Rural Telephone Cooperative, Inc.  
BellSouth  
Ben Lomand Communications, Inc.  
Frontier Communications

Bledsoe Telephone Cooperative  
BellSouth

CenturyTel of Adamsville, Inc.  
BellSouth

CenturyTel of Claiborne, Inc.  
BellSouth

CenturyTel of Ooltewah-Collegedale, Inc  
BellSouth

Concord Telephone Exchange, Inc.  
BellSouth

Crockett Telephone Company, Inc.  
None

Dekalb Telephone Cooperative, Inc.  
BellSouth

Highland Telephone Cooperative, Inc.  
BellSouth

Humphreys County Telephone Company  
BellSouth

Loretto Telephone Company, Inc.  
BellSouth

Millington Telephone Company, Inc.  
BellSouth

North Central Telephone Cooperative, Inc.  
BellSouth

Peoples Telephone Company  
None

Tellico Telephone Company, Inc.  
BellSouth

Tennessee Telephone Company  
BellSouth, United (Chapel Hill) , and Frontier

Twin Lakes Telephone Cooperative Corporation  
None

United Telephone Company  
None

West Tennessee Telephone Company, Inc.

None

Yorkville Telephone Cooperative  
BellSouth

With respect to "TELECOMMUNICATIONS TRAFFIC" exchanged between a Rural Coalition member and entities that offer CMRS service (other than the CMRS Providers party to this proceeding), the Rural Coalition Members generally have no awareness of the identity of any CMRS carrier that terminates traffic originated by a customer using the network of a Rural Coalition member to originate a call. Nor does a member of the Rural Coalition know the identity of a carrier that terminates a call on its network.

As the Rural Coalition thought the CMRS Providers were well aware, these circumstances are the result of the fact that the CMRS carriers do not generally interconnect directly to the networks of the members of the Rural Coalition. In the initial Response to the Interrogatories of the CMRS Providers, the Rural Coalition identified those instances where a member of the Rural Coalition has executed an agreement to exchange Telecommunications Traffic with CMRS carriers other than those in this proceeding. In addition, two members of the Rural Coalition, the Dekalb Telephone Cooperative, Inc. and the Yorkville Telephone Cooperative, have each established affiliated facilities arrangements with their respective CMRS affiliates (Advantage Cellular Systems, Inc., and Yorkville Telephone Cooperative Cellular). These two members of the Coalition are cooperatives, and, it is our position that therefore these arrangements are not discoverable.

*CMRS Position on Supplemental Response:* This response is insufficient in two respects. First, the following statement is not responsive to the question asked: "the Rural Coalition Members generally have no awareness of the identity of any CMRS carrier that terminates traffic originated by a customer using the network of a Rural Coalition member to originate a call." If the Rural Coalition knows the identity of any specific carrier please identify, if not, then say specifically that the Rural Coalition Members do not know. Second, the CMRS Providers disagree that the status of Dekalb or Yorkville as "cooperatives" has any bearing on the discoverability of the agreements that these two Rural Coalitions have entered into with other carriers, and such agreements need to be produced.

## **Interrogatory 2**

*Rural Coalition Supplemental Response:* As the Rural Coalition stated in our call, Rural Coalition thought CMRS Providers had already received the documents CMRS Providers requested in this interrogatory in accordance with our initial answer. Rural Coalition will resend those documents and any additional documents identified as a result of our understanding regarding the definition of TELECOMMUNICATIONS TRAFFIC.

*CMRS Position on Rural Coalition Supplemental Response:* Given the current procedural schedule, the Rural Coalition should provide this information immediately. CMRS Providers will evaluate their position after receipt of the additional information. Until the additional information is received, the Motion to Compel further response to this interrogatory will remain pending.

### **Interrogatory 3**

*Rural Coalition Supplemental Response* The supplemental response to this Interrogatory is incorporated within the supplement to Interrogatory 1, above. The Rural Coalition will need to clarify this response with respect to a few of the Coalition members.

*CMRS Position on Rural Coalition Supplemental Response:* See CMRS Position on Interrogatory No. 1.

### **Interrogatory 4**

*Rural Coalition Supplemental Response* The Rural Coalition supplements its initial response as follows: As indicated in the supplement to Interrogatory 1, in the absence of an agreement with a telecommunications carrier, the Rural Coalition Members do not generally know the identities of the carrier of a specific call that could otherwise have been treated as TELECOMMUNICATIONS TRAFFIC. If this traffic is lawfully terminated to the Rural Coalition Members, it is transmitted on behalf of the originating carrier through the interexchange facilities of another carrier that should be assessed and pay the filed terminating access rate of each Rural Coalition Member. With respect to Dekalb and Yorkville, each of these telephone cooperatives has intra-cooperative facilities arrangements. These two members of the Coalition are cooperatives, and, it is our position that therefore these arrangements are not discoverable.

*CMRS Position on Rural Coalition Supplemental Response:* The CMRS Providers disagree that the status of Dekalb or Yorkville as “cooperatives” has any bearing on the discoverability of the agreements that these two Rural Coalition Members have entered into with each other, or each others’ affiliated companies, and such agreements need to be produced.

### **Interrogatory 5**

*Rural Coalition Supplemental Response:* The response is revised with respect to Yorkville, as set forth in the supplement to Interrogatory 1 above.

*CMRS Position on Rural Coalition Supplemental Response:* CMRS Providers will withdraw their motion to compel additional responses to this Interrogatory.

### **Interrogatory 6**

*Rural Coalition Supplemental Response:* The Rural Coalition supplements its response on the basis of the clarification of the Interrogatory provided during our teleconference as follows:

As the Rural Coalition discussed, “bill and keep” and “reciprocal compensation” are precise terms set forth in the Telecommunications Act. The most common indirect interconnection arrangement that exists with respect to traffic to and from the networks of the Rural Coalition members is that whereby an intermediary carrier transports communications for a fee between the network of the Rural Coalition Member and another telecommunications carrier. Under this arrangement, the intermediary carrier pays the Rural Coalition Member the filed access rate in exchange for the utilization of originating and terminating access service. Pursuant to all law

and regulation known to the Rural Coalition Members, this arrangement does not constitute a “bill and keep” arrangement between the carriers serving the originating and terminating customers.

*Rural Coalition Supplemental Response:* The Rural Coalition supplements its response on the basis of the clarification of the Interrogatory provided during our teleconference as follows:

CMRS Providers have asked the Rural Coalition to assume, for purposes of this interrogatory, that such arrangements constitute “bill and keep” arrangements. If the Rural Coalition makes this assumption (which the Rural Coalition believes to be an inaccurate assumption) it is possible that each Rural Coalition member could have such a so-called “bill and keep” arrangement with any and all other telecommunications carriers to which each is interconnected indirectly. Under this definition of the term “bill and keep”, the response to the remainder of Interrogatory 6 would be as follow:

- a. Describe the traffic subject to such arrangement

Response: All traffic that is not originated and terminated within the local calling scope defined by the local service tariffs of each Rural Coalition Member.

- b. Describe how the traffic subject to bill and keep is routed and rated.

Response: All such traffic is switched to the network of the carrier designated by the originating customer; this third party carrier determines the routing and rating of the traffic.

*CMRS Position on Rural Coalition Supplemental Response:* CMRS Providers will withdraw their motion to compel additional responses to this Interrogatory.

#### **Interrogatory 7**

*Rural Coalition/CMRS Agreement:* The Rural Coalition will make certain that Interrogatory 7 is updated in light of the agreed upon definition of “TELECOMMUNICATIONS TRAFFIC.”

*CMRS Position on Rural Coalition Supplemental Response:* Given the current procedural schedule, the Rural Coalition should provide this information immediately. CMRS Providers will evaluate their position after receipt of the additional information. Until the additional information is received, the Motion to Compel further response to this interrogatory will remain pending.

#### **Interrogatory 8**

*Rural Coalition/CMRS Agreement:* As a preliminary matter, the Rural Coalition will make certain that Interrogatory 7 is updated in light of the agreed upon definition of “TELECOMMUNICATIONS TRAFFIC.”

*Rural Coalition Supplemental Response.* As set forth in the initial response, the rates were freely negotiated pursuant to Section 252 of the Telecommunications Act and “without regard to the



standards set forth in subsections (b) and (c) of section 251. Accordingly, the rate is not legally established on the basis of "forward-looking costs" or supported by cost studies.

*CMRS Position on Rural Coalition Supplemental Response:* CMRS Providers will withdraw their motion to compel additional responses to this Interrogatory.

### **Interrogatory 9, 10, 11 and 12**

*Rural Coalition Supplemental Response:* As the Rural Coalition discussed, the Rural Coalition members intended to set forth rate proposals in their direct testimony, and they have done so. In the course of the negotiations that preceded this arbitration, the Coalition made a rate proposal in the context of an offer to resolve this issue. The Coalition provided the CMRS providers with the cost basis for the proposal.

*CMRS Position on Rural Coalition Supplemental Response:* The CMRS Providers acknowledge that the ICOs have proposed rates in their testimony. However, the ICOs have not produced any cost studies or other data to support those rates. Moreover, the rates that they have proposed appear to be based on their FCC interstate access rates--rates that are not consistent with the FCC's pricing methodology for reciprocal compensation. It is the CMRS Providers' position that 47 C.F.R. Section 51.705 requires that an ILECs rates for transport and termination be established based on any of the following: (a) the forward looking economic costs of such offerings based on appropriate cost studies, (b) default proxies provided in Section 51.707 (which have been vacated) or (c) a bill and keep arrangement. Thus, each Rural Coalition member either has an appropriate forward looking cost rate to propose, with supporting information, or it does not. For each Rural Coalition member that has an appropriate forward looking cost-based rate to propose, the CMRS Providers are entitled to be provided that rate and supporting information now, not at some later date, or on the eve of the hearing, when the parties have no meaningful opportunity to examine the data. See e.g., 47 C.F.R. § 51.303(c)(8)(ii). For each Rural Coalition member that does not have an appropriate forward looking cost-based rate to propose with supporting information, the CMRS Providers are also entitled to know that now rather than later. This remains an item of disagreement, and the CMRS Providers believe either production or an Order from the Hearing Officer is warranted to the following effect:

"On or before June 10, 2004 each Rural Coalition member shall, via electronic mail and hard-copy original, either:

- a) produce a proposed appropriate forward looking cost-based rate and all supporting cost information that it intends to rely upon at the arbitration hearing in this matter, or be foreclosed from offering any rate evidence at such hearing; or,
- b) state that it does not have a proposed forward looking cost-based rate or supporting information for such a rate and, therefore, will not be presenting rate evidence at the arbitration hearing in this matter."

### **Interrogatory 18**

*Rural Coalition Supplemental Response.* The Rural Coalition supplements its initial response as follows: Not necessarily Two carriers can agree to divide such costs in any manner they chose. Absent a specific agreement on sharing such costs (or an Order establishing the formula for cost sharing), when two carriers agree to utilize a transmission facility on a two-way basis to transport traffic between the points of interconnection on their respective networks, the cost of the facilities may be shared in a manner that reflects relative usage. See 47 CFR 51.709(b).

*CMRS Position on Rural Coalition Supplemental Response:* CMRS Providers will withdraw their motion to compel additional responses to this Interrogatory.

### **Interrogatory 19**

*CMRS/Rural Coalition Agreement:* In their April 27 correspondence, CMRS Providers clarify that in this Interrogatory the CMRS Providers are asking whether "Coalition members agree to share the cost of facilities, within their network borders, used for the indirect interconnection between the CMRS providers and Coalition members?"

*Rural Coalition Supplemental Response:* Based upon that clarification, the Rural Coalition responds as follows:

The switching and transport facilities to which CMRS Providers refer are not utilized for the exclusive indirect interconnection of traffic to or from CMRS providers. The utilization of the facilities is charged on a usage basis, and accordingly the costs are shared by all users of the facilities including the Coalition members.

*CMRS Position on Rural Coalition Supplemental Response:* CMRS Providers will withdraw their motion to compel additional responses to this Interrogatory

### **Interrogatory 24**

*Rural Coalition Supplemental Response:* The Rural Coalition will supplement its response based on the definition of TELECOMMUNICATIONS TRAFFIC provided herein.

*Rural Coalition Supplemental Response:* Customers of each Rural Coalition Member may currently place calls to customers of each CMRS Provider. In the absence of an established interconnection arrangement, these calls would generally be switched by the Rural Coalition member to the network of the interexchange carrier selected by the originating customer. With respect to calls that are directed to NPA-NXXs that appear to be terminating points within the LATA in which the call originates, the network facility to which the call is switched may be that of BellSouth. Under these circumstances, BellSouth would hold the relevant information regarding how much traffic it terminates to each CMRS Provider just as BellSouth holds this information with respect to the amount of traffic originating on the network of a CMRS Provider that it terminates to each Rural Coalition Member.

*CMRS Position on Rural Coalition Supplemental Response:* The Rural Coalition answers the question in the subjunctive mood by stating that "the network facility to which the call is switched may be that of BellSouth." The CMRS Providers have asked whether the Rural

Coalition is sending such traffic through a BellSouth tandem. The answer to the question should be either yes or no.

#### **Interrogatory 25**

*CMRS/Rural Coalition Agreement:* The Rural Coalition will supplement its response on the basis of the definition of TELECOMMUNICATIONS TRAFFIC set forth above

*Rural Coalition Supplemental Response:* Rural Coalition members may send traffic to CMRS Providers on a "reverse toll basis." Where such agreements exist, the Coalition Members understand these arrangements to be confidential between them and the CMRS Provider. In the event that any other traffic is originated by a customer of a Rural Coalition Member and completed to a CMRS Provider on a 7 digit or 10 digit basis in the absence of an agreement, it is likely that the Rural Coalition Member has relied on information inserted by another party into the Local Exchange Routing Guide that incorrectly indicates that the dialed number will be terminated physically to an end user within the originating carrier's local calling area.

*CMRS Position on Rural Coalition Supplemental Response.* Regardless of the basis on which a call is knowingly sent to the BellSouth tandem ( i.e. reverse toll), CMRS Providers are entitled to know which Coalition Members are knowingly sending traffic to a BellSouth tandem. The first part of the question really calls for a yes or no response.

#### **Interrogatory 26**

*CMRS/Rural Coalition Agreement:* The Rural Coalition will supplement its response on the basis of the definition of TELECOMMUNICATIONS TRAFFIC set forth above

*Rural Coalition Supplemental Response:* The Rural Coalition Members are not aware of any other instances other than those previously referenced where traffic originated on a non-toll basis is connected to a Bell tandem for termination on another carrier's network. In the event that any other traffic is originated by a customer of a Rural Coalition Member and completed to a customer of a telecommunications carrier on a 7 digit or 10 digit basis in the absence of an agreement, it is likely that the Rural Coalition Member has relied on information inserted by another party into the Local Exchange Routing Guide that indicates that the dialed number will be terminated physically to an end user within the originating carrier's local calling area.

*CMRS Position on Rural Coalition Supplemental Response:* CMRS Providers will withdraw their motion to compel additional responses to this Interrogatory

#### **Interrogatory 27**

*CMRS/Rural Coalition Agreement:* The CMRS Providers withdraw their Motion to Compel further responses to this Interrogatory.

#### **Interrogatory 28**

*Rural Coalition Supplemental Response:* As the Rural Coalition discussed in our teleconference, by default, calls to CMRS Providers are considered toll calls. However, as stated above, in the

event that any other traffic is originated by a customer of a Rural Coalition Member and completed to a customer of a telecommunications carrier on a 7 digit or 10 digit basis in the absence of an agreement, it is likely that the Rural Coalition Member has relied on information inserted by another party into the Local Exchange Routing Guide that indicates that the dialed number will be terminated physically to an end user within the originating carrier's local calling area.

*CMRS Position on Rural Coalition Supplemental Response:* CMRS Providers are asking *whether* such local calling occurs. The Rural Coalition's answer is again phrased in the subjunctive mood -- "in the event" that it occurs. The question should be answered yes or no.

#### **Interrogatory 29**

See Supplemental Response to Interrogatory 28 and CMRS Provider Position thereto.

#### **Interrogatory 30**

*CMRS/Rural Coalition Agreement.* CMRS Providers have modified this Interrogatory to read as follows:

Please identify all switches owned by each coalition member, the wire center location and CLLI codes in which each switch is located, and the total number of switched lines served by each switch. Non-switched circuits, need not be identified. Also, switched lines need not be identified by type; i.e., residential, business and public.

*Rural Coalition Supplemental Response:* The Rural Coalition has previously provided CMRS Providers with a list of switches and CLII codes. The Rural Coalition will provide the additional information requested as soon as it is obtained from the Coalition members, and the Rural Coalition will inform CMRS Providers if any individual members have objections.

*CMRS Position on Rural Coalition Supplemental Response:* Given the current procedural schedule, the Rural Coalition should provide this information immediately. CMRS Providers will evaluate their position after receipt of the additional information. Until the additional information is received, the Motion to Compel a further response to this interrogatory will remain pending

#### **Interrogatory 31**

*Rural Coalition Supplemental Response:* For the convenience of the CMRS Providers, the switches of members of the Rural Coalition that serve as tandems are provided below. This information is available to the public in the LERG.

Ben Lomand Rural Telephone Cooperative, Inc.  
The Rural Coalition will provide the information when received

Bledsoe Telephone Cooperative  
The Rural Coalition will provide the information when received.

Loretto Telephone Company, Inc.  
136 S. Main St , Loretto, TN  
LRTTTNXA94T

Millington Telephone Company, Inc.  
The Rural Coalition will provide the information when received.

North Central Telephone Cooperative, Inc.  
Lafayette, LFYTTNXADS1

Twin Lakes Telephone Cooperative Corporation  
The Rural Coalition will provide the information when received.

In addition to their request that the Rural Coalition identify switches that serve as tandems, CMRS Providers ask for information “regarding how the *Coalition members* receive the traffic from BellSouth and what each Coalition member’s costs, if any, are for the facilities from the BellSouth tandem to each Coalition member’s network.” The arrangements in Tennessee are similar to similar nation-wide arrangements regarding the interconnection between a regional Bell tandem and a rural Independent. Bell enjoys the utilization of a legacy interconnection arrangement referred to as Feature Group C interconnection of its trunk facility to the Rural Coalition Member network. This legacy interconnection was deployed to interconnect interexchange traffic to and from the Rural Coalition Member network. The Rural Coalition Members do not provide telecommunications services beyond their exchange borders. Accordingly, the Coalition members do not incur costs related to the facilities from the BellSouth tandem to the Coalition member’s network.

*CMRS Position on Rural Coalition Supplemental Response:* Given the current procedural schedule, the Rural Coalition should provide this information immediately. CMRS Providers will evaluate their position after receipt of the additional information. Until the additional information is received, the Motion to Compel further response to this interrogatory will remain pending.

### **Interrogatory 36**

*Rural Coalition Supplemental Response* The Rural Coalition has fully responded to this Interrogatory, even in light of the changed definition of TELECOMMUNICATIONS TRAFFIC.

*CMRS Position on Rural Coalition Supplemental Response:* CMRS Providers will withdraw their motion to compel additional responses to this Interrogatory.

### **Interrogatory 37**

*CMRS/Rural Coalition Agreement.* CMRS Providers have modified this request to read as follows:

Please provide copies of each Coalition member's most recent two audited financial statements containing Part 32--Uniform System of Accounts level detail.

*Rural Coalition Supplemental Response:* Rural Coalition will provide a response after conferring with our clients.

*CMRS Position on Rural Coalition Supplemental Response:* CMRS Providers are entitled to receive the requested financial statements, which are relevant to a number of the pending issues in the case, including those relating the cost basis for the rates in the arbitration. CMRS Providers request that the Hearing Officer grant the pending motion to compel a response to this interrogatory (as modified).

### **Interrogatory 38**

*Rural Coalition Supplemental Response:* Our answer to this request was in error. Rural Coalition will supplement our answer as soon as the information is received from the Coalition members, and inform CMRS Providers if any individual member has an objection.

*CMRS Position on Rural Coalition Supplemental Response:* Given the current procedural schedule, the Rural Coalition should provide this information immediately. CMRS Providers will evaluate their position after receipt of the additional information. Until the additional information is received, the Motion to Compel further response to this interrogatory will remain pending

Respectfully submitted,

**NEAL & HARWELL, PLC**

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